



General Assembly

January Session, 2013

Substitute Bill No. 159



AN ACT CONCERNING EMPLOYEE PRIVACY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) For purposes of this
2 section:

3 (1) "Applicant" means any person actively seeking employment
4 from an employer;

5 (2) "Employee" means any person engaged in service to an
6 employer in a business of his or her employer;

7 (3) "Employer" means any person engaged in business who has
8 employees, including the state and any political subdivision thereof;

9 (4) "Personal on-line account" means an on-line account that is used
10 by an employee or applicant exclusively for personal purposes and
11 unrelated to any business purpose of such employee's or applicant's
12 employer or prospective employer, including, but not limited to,
13 electronic mail, social media and retail-based Internet web sites.
14 "Personal on-line account" does not include any account created,
15 maintained, used or accessed by an employee or applicant for
16 business-related purposes or for a business purpose of such
17 employee's or applicant's employer or prospective employer.

18 (b) No employer shall:

19 (1) Request or require that an employee or applicant provide such
20 employer with a user name, password or any other authentication
21 means for accessing a personal on-line account; or

22 (2) Discharge, discipline, discriminate against, retaliate against or
23 otherwise penalize any employee or applicant (A) who refuses or
24 declines to provide such employer with a user name, password or any
25 other authentication means for accessing his or her personal on-line
26 account; (B) who files, or causes to be filed, any complaint, whether
27 verbally or in writing, with a public or private body concerning such
28 employer's violation of subdivision (1) of this subsection; (C) who
29 institutes, or causes to be instituted, any proceeding concerning such
30 employer's violation of subdivision (1) of this subsection; or (D) who
31 testifies or is about to testify in any such proceeding.

32 (c) (1) The Attorney General may bring an action in Superior Court
33 against an employer who violates any provision of subsection (b) of
34 this section. The court may assess a civil penalty of not more than ten
35 thousand dollars and may order such other equitable relief as the court
36 deems appropriate.

37 (2) In determining the amount of any penalty under subdivision (1)
38 of this subsection, the Attorney General shall take into account the
39 previous record of the employer in terms of compliance with this
40 section and the seriousness of the violation.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	New section
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LAB Joint Favorable Subst. -LCO

JUD Joint Favorable